

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

JOSE ANTONIO SANTIAGO-ALICEA

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

CIVIL NO. 97-1879(SEC)

Re: Criminal No. 95-428(SEC)

Section 2255

RECEIVED & FILED
OCT -4 PM 7:03
CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

ORDER

MOTION	RULING
<p>Docket No. 21</p> <p>Appearance</p>	<p>DENIED. The Court will not approve the appearance of the Federal Public Defender's Office on petitioner's behalf in order to avoid a possible conflict of interest; petitioner's allegations of ineffective assistance refer to former Assistant Federal Public Defenders. The Court further notes that, in a civil case counsel is required only in "exceptional circumstances " where absence of counsel is "likely to result in fundamental unfairness impinging on ... due process rights." <u>Des Rosiers v. Moran</u>, 949 F.2d 15, 23 (1st Cir. 1991). The Court is vigilant of petitioner's due process rights and will immediately appoint counsel if necessary, that is, if particularly complex questions of law or fact are encountered, or if a hearing is scheduled.</p>
<p>Docket No. 22</p> <p>Motion in Compliance with Order to Show Cause, by the Federal Public Defender</p>	<p>The Court notes the Federal Public Defender's statement that he did not receive the Court's Order of July 12, 2000 (Docket No. 19). Upon inquiry as to notification, the Clerk's Office Civil Notice Log Report for July 13, 2000, copy of which is attached to this Order, was generated, reflecting that notification was made upon AUSA Maldonado, petitioner and the Federal Public Defender. This is not to say that Mr. Laws' statements, as an officer of the Court, that he never received same do not warrant the Court's full credence. On the contrary, pursuant to his request, the Court finds that neither Mr. Laws nor the other attorneys mentioned in the July 13 Order willingly failed to comply with same.</p>

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MOTION	RULING
Docket No. 23 Declaration Under Penalty of Perjury by Gustavo A. Gelpí, Jr.	Noted. The record should reflect that Mr. Gelpí's representation of the petitioner was limited to the Change of Plea Hearing and that his Declaration concerning same does not reflect that he ever discussed the matter of an appeal with the petitioner.

The Clerk shall hereon notify attorneys Gustavo Gelpí, Jr., and Miguel A.A. Nogueras-Castro of all proceedings in this case to the addresses listed in the "Motion in Compliance..." (Docket No. 22).

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 29TH day of September, 2000.


SALVADOR E. CASELLAS
U.S. District Judge

s/c: Gelpí
Nogueras
10/4/00

Exhibit 1

UNITED STATES DISTRICT COURT - DISTRICT OF PUERTO RICO
CIVIL NOTICE LOG REPORT
FINAL FULL REPORT FOR 07/13/00

INST#	PAGES	DATE DOCKETED	BY	RECIPIENT	DESTINATION
3:97-cr-00284	837	07/13/00 16:25	ct	Javier Morales-Ramos, aty	Fax: 793-4320
3:97-cr-00284	837	07/13/00 16:25	ct	Jayne Weintraub, aty	Fax: 305-358-5917
3:97-cr-00284	837	07/13/00 16:25	ct	Jorge Diaz-Reveron, aty	Fax: 751-3286
3:97-cr-00284	837	07/13/00 16:25	ct	Joseph Laws, Federal Public D	Fax: 281-4899
3:97-cr-00284	837	07/13/00 16:25	ct	Juan Acevedo-Cruz, aty	Fax: 751-2795
3:97-cr-00284	837	07/13/00 16:25	ct	Luis Medina-Torres, aty	PFF: hpnotice2-30 Fax: 756-7087
3:97-cr-00284	837	07/13/00 16:25	ct	Luz Rios-Rosario, aty	PFF: hpnotice2-30 Fax: 767-4256
3:97-cr-00284	837	07/13/00 16:25	ct	Manuel San-Juan-DeMartino, at	Fax: 725-2932
3:97-cr-00284	837	07/13/00 16:25	ct	Rafael Anglada-Lopez, aty	PFF: hpnotice2-30 Fax: 765-8679
3:97-cr-00284	837	07/13/00 16:25	ct	Richard Dansoh, aty	Fax: 305-573-7680
3:97-cr-00284	837	07/13/00 16:25	ct	Robert Norgard, aty	Prt: hpnotice2-29
3:97-cr-00284	837	07/13/00 16:25	ct	Stephen Muldrow, U.S. Attorne	Fax: 766-5326
3:97-cr-00284	837	07/13/00 16:25	ct	Steve Potolsky, aty	Fax: 305-358-5917
3:97-cr-00284	837	07/13/00 16:25	ct	Thomas Lincoln-SanJuan, aty	Fax: 293-2062
3:97-cr-00284	837	07/13/00 16:25	ct	William Matthewman, aty	Fax: 561-416-0171
3:97-cr-00290	415	07/13/00 14:18	re	Juan Alvarez-Cobian, aty	Fax: 765-8781
3:97-cr-00290	415	07/13/00 14:18	re	Miguel Pereira, U.S. Attorney	Fax: 766-5326
3:97-cr-00290	415	07/13/00 14:18	re	Warren Vazquez, U.S. Attorney	Fax: 766-5326
3:97-cv-01264	115	07/13/00 13:03	ov	Irma Valldejuli-Perez, aty	Prt: hpnotice-298
3:97-cv-01264	115	07/13/00 13:03	ov	Luis Del-Valle-Emmanueli, Ga	Prt: hpnotice-298
3:97-cv-01264	115	07/13/00 13:03	ov	Maria Surillo, Commonwealth D	PFF: hpnotice-299 Fax: 723-9188
3:97-cv-01264	115	07/13/00 13:03	ov	Mariangela Tirado-Vales, aty	Prt: hpnotice-298
3:97-cv-01264	115	07/13/00 13:03	ov	Pedro Soto-Rios, aty	Fax: 751-6480
3:97-cv-01264	115	07/13/00 13:03	ov	Roberto Marquez-Sanchez, Law	Fax: 724-5970
3:97-cv-01577	57	07/13/00 10:48	re	Carlos Ramirez-De-Arellano, a	Fax: 758-9939
3:97-cv-01577	57	07/13/00 10:48	re	Elba Baez-Rivera, Pinto-Lugo	Prt: hpnotice2-29
3:97-cv-01577	57	07/13/00 10:48	re	Juan Saavedra-Castro, aty	Fax: 722-7748
3:97-cv-01577	57	07/13/00 10:48	re	Juan Soto-Balbas, Mercado & S	Fax: 724-6050
3:97-cv-01577	57	07/13/00 10:48	re	Ubaldo Lugo-Cruz, aty	Prt: hpnotice2-29
3:97-cv-01837	94	07/13/00 12:00	ct	Adrian Mercado, Mercado & Sot	Fax: 724-6050
3:97-cv-01837	94	07/13/00 12:00	ct	Juan Saavedra-Castro, aty	Fax: 722-7748
3:97-cv-01837	94	07/13/00 12:00	ct	Luis Correa-Marquez, aty	Prt: hpnotice2-29
3:97-cv-01837	94	07/13/00 12:00	ct	PR Ports Authority, pty	Prt: hpnotice2-29
3:97-cv-01837	94	07/13/00 12:00	ct	Rafael Gonzalez-Velez, aty	Prt: hpnotice2-29
3:97-cv-01837	94	07/13/00 12:00	ct	Ralph Vallone-Jr., aty	Fax: 723-9251
3:97-cv-01837	94	07/13/00 12:00	ct	US Trustee's Office, pty	Prt: hpnotice2-29
3:97-cv-01879	19	07/13/00 09:35	ov	Aixa Maldonado-Quinones, U.S.	Fax: 766-5326
3:97-cv-01879	19	07/13/00 09:35	ov	Jose Santiago, pty	Prt: hpnotice-298
3:97-cv-01879	19	07/13/00 09:35	ov	Joseph Laws, Federal Public D	Fax: 281-4899
3:97-cv-02432	51	07/13/00 12:14	ct	Jose Cintron-Rodriguez, Depar	PFF: hpnotice2-29 Fax: 723-9188
3:97-cv-02432	51	07/13/00 12:14	ct	Robert Millan, aty	Fax: 282-8692
3:97-cv-02432	51	07/13/00 12:14	ct	Roberto Lefranc-Romero, aty	Fax: 721-7866